

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

TARA LEIGH PATRICK a/k/a CARMEN)
ELECTRA; CIELO JEAN "CJ" GIBSON;)
DENISE TRLICA a/k/a DENISE MILANI;)
JULIANNE KLAREN; RACHEL BERNSTEIN)
a/k/a RACHEL KOREN; ROSA ACOSTA;)
ABIGAIL RATCHORD; KEELEY HAZELL;)
and KIMBERLY "KIM" COZZENS,)
)
Plaintiffs,)
)
v.)
D. & B. CORP. and MARK FILTRANTI,)
)
Defendants.)
)

ORDER

June 2, 2020

SOROKIN, J.

On November 25, 2019, the Court convened a Rule 16 scheduling conference and established a schedule governing this lawsuit. Doc. Nos. 17, 18.¹ On April 15, 2020, counsel for the Plaintiffs, writing jointly with counsel for the Defendants, advised the Court that an insurance carrier had assumed defense of this matter for the Defendants and would either replace or retain existing defense counsel. Doc. No. 20. The Court scheduled a status conference for May 28, 2020 to address any scheduling matters while permitting the insurance carrier time to retain counsel in advance of the conference. Doc. No. 24.

¹ Citations to "Doc. No. __" reference documents appearing on the court's electronic docketing system; pincites are to the page numbers in the ECF header.

The day before the status conference, in an email to the Deputy Clerk, counsel for Defendants, stated, without specification, that “Plaintiff counsel’s emails to the Court are unequivocally untruthful.” At the conference, counsel for Defendants provided no support for that assertion.

On one matter, counsel for both parties agreed. Plaintiffs served document requests and interrogatories in late 2019. Plaintiffs stated they have never received either responses and objections to the discovery requests or interrogatory answers and documents responsive to those requests. Counsel for Defendants vigorously disputed this assertion. With a focus on simply moving the case forward toward resolution on the merits, the Court ordered Defendants, by close of business May 29th, to produce to Plaintiffs what they said they had previously produced: (1) the responses and objections to the discovery requests, (2) the interrogatory answers, (3) the document production; (4) the transmittal letter or email for the discovery responses and (5) the transmittal letter or email for the document production. Defendants produced nothing on May 29th and filed no motion with the Court requesting an extension. Plaintiffs have now requested sanctions.

Doc. No. 26.

In light of the foregoing and the history of this litigation, including the events described in the most recent filing by Plaintiffs, the Court hereby issues the following ORDERS:

- 1) Defendant shall respond to Plaintiffs’ request for sanctions (Doc. No. 26) by close of business June 8, 2020.
- 2) To the extent Defendants have not yet served their responses to Plaintiffs’ document requests, signed under-oath interrogatory answers, or their document production, they shall do so by June 8, 2020.

3) The response to Plaintiffs' request for sanctions ordered in paragraph 1 shall provide admissible evidence in the form of under-oath affidavit(s) detailing when Defendants served each of the discovery responses listed in paragraph 2.

4) Also by June 8, 2020, Defendants shall either: (a) produce to Plaintiffs all insurance policies in place from 2015 to 2018 inclusive, and all correspondence between Defendants and/or Defendants' counsel and any insurance carrier, or (b) submit the foregoing for in camera review while simultaneously filing an objection to the production of the foregoing to Plaintiffs along with the basis for any such objection.

5) The Court will hold a hearing on this matter on June 15, 2020 at 9:30 a.m. by videoconference. Attorney Robert Sheketoff has appeared in this case on behalf of Defendants according both to Attorney Apostle and the docket. Accordingly, Attorney Sheketoff shall appear by videoconference at the hearing on June 15, 2020.

SO ORDERED.

/s/ Leo T. Sorokin
Leo T. Sorokin
United States District Judge